

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen J. Mordfin, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** March 13, 2020

**SUBJECT:** BZA Case 20223: Request for special exception relief to permit a rear addition to a row house

### **I. RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle E § 5201:

- C § 202, Enlargements or Additions to Nonconforming Structures; and
- E § 304.1, Lot Occupancy (60 percent permitted by-right and 70 percent by special exception; 61.3 percent existing<sup>1</sup>; 68.6 percent proposed).

### **II. BACKGROUND**

In June 2019 the applicant requested an area variance (BZA Case No. 20109) to allow a lot occupancy of 64.7 percent for a new single-family dwelling under construction. On October 23, 2019 the Board completed a hearing on the case and scheduled it for decision on October 30, 2019. The applicant withdrew the case on October 28, 2019, believing the application would be denied by the Board. (Exhibit 64, Case No. 20109)

The application was refiled as a request for special exception to expand an existing building. A building, as defined by the Zoning Regulations under Subtitle B, § 100.2, is, “[a] *structure requiring permanent placement on the ground that has one (1) or more floors and a roof supported by columns or walls.*” The applicant submitted photographs of the building under construction under Exhibit 30 to document that building has walls and a roof supported walls and is therefore a building. The building under construction conforms to the requirements of the RF-1, and the applicant is now requesting to increase the lot occupancy of that structure 68.8 percent, an increase from the 64.7 percent requested in the previous application.

### **III. LOCATION AND SITE DESCRIPTION**

Address	509 O Street, N.W.
Applicant	Bernard Berry

<sup>1</sup> Lot occupancy in the RF-1 is limited to 60 percent and the Zoning Administrator (ZA) has the authority to approve a deviation of up to 2 percent. In this case the ZA authorized a 2 percent deviation, resulting in a maximum lot occupancy of 61.3 percent permitted as a matter-of-right

Legal Description	Square 479, Lot 479
Ward, ANC	Ward 6, ANC 6E
Zone	RF-1
Lot Characteristics	Rectangular lot with no alley access
Existing Development	One-family row house
Adjacent Properties	Row houses, flats, apartments and a corner store
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	Two-story enclosed rear addition to a three-story row house, with a terrace on the third floor and a spiral staircase from the third-floor terrace to the row house roof, providing access to a rooftop deck and pool.

#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-1 Zone	Regulation	Existing	Proposed	Relief
Height E § 303	35 feet and 3-story max.	35 feet and 3-story max.	35 feet and 3-stories	None Required
Lot Width E § 201	18-foot min.	20.75 feet	20.75 feet	None Required
Lot Area E § 201	1,800 sq. ft. min.	1,867.5 sq.ft.	1,867.5 sq.ft.	None Required
Lot Occupancy E § 304	60% max.; 70% by SE	61.3%	68.6%	<b>REQUIRED</b>
Front Setback E § 305	Within range of existing street	In line with street face	No change	None Required
Rear Yard E § 306	20-foot min.	29.67 feet	22.01 feet	None Required
Parking C § 701	None	None	None	None Required

#### V. ANALYSIS

##### Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

*5201.1 The Board of Zoning Adjustment may approve as a special exception in the RF zones relief from the following development standards of this subtitle, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

- (a) Lot occupancy;*
- (b) Yards;*
- (c) Courts;*
- (d) Minimum lot dimensions;*
- (e) Pervious surface; and*

- (f) *The limitations on enlargements or additions to nonconforming structures as set forth in Subtitle C § 202.2.*

The application requests relief from lot occupancy.

5201.2 *Special exception relief under this section is applicable only to the following:*

- (a) *An addition to a residential building;*  
(b) *A new or enlarged accessory structure that is accessory to such a building; or*  
(c) *A reduction in the minimum setback requirements of an alley lot.*

Relief is requested to permit an addition to a residential building.

5201.3 *An applicant for special exception under this section shall demonstrate that the proposed addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

- (a) *The light and air available to neighboring properties shall not be unduly affected;*

The application proposes a two-story rear building addition, extending 7.66 feet beyond the existing rear wall. The existing 3-foot, 8-inch open court would be maintained, and the proposed addition would extend 5 feet, 11 inches beyond the rear wall of the adjacent residential building to the east. Surrounding properties are developed with buildings three and four stories in height, more than the proposed two-story rear addition. Therefore, light and air available to neighboring properties should not be unduly affected.

- (b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed building addition would only have windows facing into the rear yard, similar to some of the surrounding properties, plus one additional window that would face into the open court on the subject property. The addition would extend out 7 feet, 8 inches further into the rear yard, while maintaining the minimum required rear yard and minimizing any visibility into the rear yards of the adjoining properties.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;*

The addition would be minimally visible from the street, as it would extend the existing court on the west side of the property back. The subject lot is not served by a public alley.

- (d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways; and*

The applicant submitted plans, photographs, elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

*(e) The Board of Zoning Adjustment may approve lot occupancy of all new and existing structures on the lot up to a maximum of seventy percent (70%).*

The application requests a lot occupancy of 68.3 percent, less than the maximum 70 percent permitted by special exception.

*5201.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP makes no recommendations for special treatment.

*5201.5 This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application does not propose the introduction or expansion of a nonconforming use.

*5201.6 This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception.*

The subject application does not propose the introduction or expansion of nonconforming height or number of stories

## **VI. OTHER DISTRICT AGENCIES**

DDOT, in a memorandum at Exhibit 14, indicated no objection to the application.

No other comments from other District agencies were submitted to the record as of the date of the filing of this report.

## **VII. ADVISORY NEIGHBORHOOD COMMISSION**

No comments from ANC 6E had been submitted to the record as of the date of the filing of this report.

## **VIII. COMMUNITY COMMENTS TO DATE**

Five letters in support of the application were submitted to the record. (Exhibit 10)

A letter in support of the application with twenty signatures was submitted to the record. (Exhibit 11)

Attachment: Location Map

